

SENATE BILL REPORT

SB 5126

As of February 1, 2007

Title: An act relating to the public disclosure of sensitive fish and wildlife data.

Brief Description: Modifying requirements concerning the public disclosure of sensitive fish and wildlife information.

Sponsors: Senators Hargrove, Swecker, Jacobsen, Rockefeller, Morton and Rasmussen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/31/07.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Kim Johnson (786-7346)

Background: The Public Records Act mandates disclosure of public records unless the record falls under a specific exemption. Certain sensitive information relating to fish and wildlife is exempt from public disclosure. The Department of Fish and Wildlife (DFW) may, however, release this sensitive information to government agencies concerned with fish and wildlife resource management.

"Sensitive fish and wildlife data" include the following: (1) nesting sites or specific locations of endangered, threatened, or sensitive species; (2) radio frequencies used in, or locational data generated by, telemetry studies; or, (3) certain location data that could compromise the viability of a specific fish or wildlife population.

Summary of Bill: Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs:

- government agencies;
- public utilities;
- accredited colleges and universities;
- tribal governments; and
- the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains.

The release of sensitive data may be subject to a confidentiality agreement. This requirement does not apply when the release of sensitive data is to an owner, lessee, or right-of-way or easement holder of private land who initially provided the data.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

One of the criteria used to define certain location data that could compromise the viability of a specific fish or wildlife population is modified to provide that if a species has a history of malicious take, the species must also have a particular behavior or ecology that makes it especially vulnerable in order for it to be considered sensitive data.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2007.

Staff Summary of Public Testimony: PRO: This is the same bill that passed out of the committee last year and includes some amendments to address concerns that were expressed last year. This is an opportunity for transparency and greater open government and would allow the department to share information with others for research purposes.

Persons Testifying: Steve Pozzanghera, DFW.